App F IX 4

Previous References

1944 Municipal File No 42-44
Serial Nos 91, 92

Later References
ML 53-51- 11, 12

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

90

Part B for Decision

SUBJECT

Election of Mr. Abdul Rahim as Vice President of the Servants of India Society

The Committee of Management dated 21 12-44 Noted for

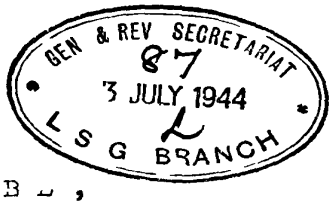
29/11

No A5 626/43-44
Encl one

Office of the Deputy Commissioner,
Mandya District
Mandya, dated 1st July, 1944

From

Mr Safdar Hussain, Esq , B A ,
Deputy Commissioner,
Mandya District



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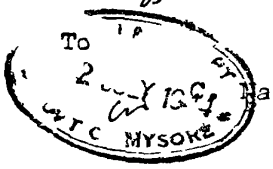
To



Narayanaswamy Naidu, Esq , B A , B L ,
Secretary to Government of Mysore,
Law Department, Bangalore

Sir,

I have the honour to state that as the Municipal Council Srirangapatam resolved to have a Vice-President, necessary calendar of events was published fixing the date of election to 25th June 1944

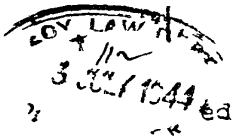
The President reports that the marginally noted three candidates stood for election On the date of election Mr Sivanandamudaliar withdrew his candidature

Messrs
1 K Lingarna, B A ,LLB ,
2 S Sivananda Mudaliar
3 P Abdul Rahim

Of the remaining two candidates, Mr M C Lingarna is stated to have secured the highnest number of votes and he was duly declared elected

Below 25/6/44

In this connection an objection petition has been received on 28th June 1944 alleging some irregularities in the election and praying for setting aside the same As per Rule 13 of the Rules for the election of Vice-Presidents of Town Municipalities, I have authorised the Sub Division Officer, Kreschrocks to hold an enquiry in the matter and send a report on receipt of which I shall submit a further report

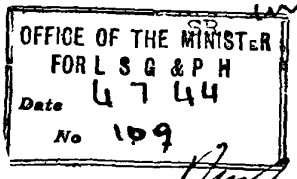


A copy of the resolution of the Municipal Council is enclosed for favour of perusal

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Mandya District

1) Subject to perusal
the receipt of further report
will be awaited



Law dept 3/7/44
4 Cys 3/7 Cys 3/7/44
10 7 44

2 - 405
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From the D C Manaja
No A 5 626/43 dt 16/7/44
Requests that a re-election
may be ordered to be held
for the Vice President-ship of the
Sangathan Town Committee

4) The previous file on the subject
bearing D No 87 was submitted to the
Minister Legs on 3/7/44 the P A to the
A / Minister may be requested to arrange to
return the file early
Mr 18/7/44 5) In favour of immediate
action
the P A to the Minister
Legs may see / Mr
18/7/44
6) The main file has
Mr since been returned
21/7

On reasons stated in para 4
of the letter, the D.C. requests that
the election may be set aside
Mr 8.) Submitted for orders with reference
to para 2 of the Note
24/7

405
9) Agreeing with the finding of the Deputy Officer (J D. Greenwoods), the Registrar recommends that, as the requirements of rule 7 of the Electoral Rules of Procedure of 1918 as amended have not been complied with, the election held on 15/7/44 is vitiated and that a re-election might be held. His reasons for orders of his recommendation maybe accepted & the election held set aside & a re-election ordered. The Law Secretary may also be consulted in the matter.

Law Officer 24/7/44

10) For opinion of Law Officer

Law Officer 25/7/44

11) Memorandum to Electoral Registrar

3 26/7/44 Law 31/44 28/7/44

12) A copy of the Rules relating to Elections of members and Presidents & Vice Presidents of the City, Town & Minor Municipalities in the State is herewith for your perusal as ordered

13) I have opened the pocket containing the Voting Papers to see if they were separately kept & also to see if the declaration of the Polling Officer re the invalidity of the vote was correct or not

14) After you return the

the Voting papers, I find that the decision of the officer in charge of the Polling Station was correct. He therefore declared that these votes are invalid

15) The voting paper, has been, cyclostyled. This does not affect any rule. The only point essential for voting is whether the voting paper is legible or not. I find that short-sighted men, could certainly find it somewhat difficult to read the names of the candidates. It has also come out, in evidence that the Respondent helped two candidates to decipher the writing on the voting papers & helped them in voting. This is irregular.

16) The other most irregular thing that happened was the placing of the voting box. The evidence taken discloses that the voting box was placed outside the view of the Respondent. Rule 7 requires that the ballot box should be placed in view of the presiding authority. The S.D.O. views in the matter are properly sound. I approve of the decision of the S.C. that it is a serious irregularity. In that view the whole proceedings & as such his election must be upheld & the election set aside.

17) The other contentions are of no account & they are not substantiated.

18) But as the voting papers are

not clearly entitled with the result that the Respondent who had received 3 less votes than the Petitioner was declared elected as the Petitioner could not ascertain which of the votes cast for the Petitioner as against the Respondent were given in favour of the Petitioner. The election of the Petitioner is not beyond all doubt, the election must be upheld, and the election set aside.

Asst Secy (Legal) 24/8/44

19) The above opinion of the Law Section may be accepted and orders issued, cancelling the election already held and directing the holding of a fresh election. It seems necessary to make an observation about the conduct of the Election Presidents, who, by his non-observance of the rules on the subject, has caused material irregularities in the election proceedings.

For orders
Law Section 24/8/44

20) Yes, the election may be set aside.

Asst Secy (Legal) 24/8/44

21) Yes.

SECY 2334

OFFICE OF THE MINI
FOR L S G & P
Date 31 8 44
No 1673

-2) Draft letter above
2/9/44

23) A draft letter submitted
2/9 24) Issued
2/9/44

TYPING S
4 SEP 1944
V SECTT

To,

The D C Anantapur
a/o L 2117 dt 4/9/44
cancels the election
with certain observations

Sons A
5/9

Letter No A5 6216/43 dt 29.8.44
from the D.C. Anantapur requesting
approval to the election of P Abdul Rahim
as Vice-President of Penukonda Town Mcpl
Re-election held as
per instructions issued in this office letter dt 4/9/44
(vide para 23 supra) & Recommends sanction to the
election of Mr P Abdul Rahim as Vice
President of the Penukonda Town Mcpl
Govt may adopt the attached draft order
May be approved

9/12

LAW
4515
9/12/44

Law Secy
9/12/44

May be approved
11-12-44

OFFICE OF THE MINISTER
For L S G & P H.
Date 11 12 44
No. 4679

15 12 44

Continuation Sheet | File No / Current No | 405/ | Page

Instructions
Lr
19 12
L 6140 R 21 12 44 to the Comptr, NG 92
Notifies Th elect
L 6141 R 21 12 44 to Th Dr Nandy
Copy for info

B
GA
31/12

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

L 2117 dated 4/9

To,

The D-c Nandyal

Sir,

With reference to the correspondence ending with your letter No A5 626/43 dt 16/7/44 re the election of the Vice President to the Sempanchayat Town Mal cl, I am directed to state that the election of Mrs M K Lingamma also held on 8 was set aside, the election may be taken at once to hold a re-election for the office of the Vice-presidentship according to the rules prescribed and to submit a report

In view of the several irregularities caused noticed in the conduct of the election

WD 03697—GPB—30 000—2 2 46

thereof
to you early

In this connection, I am to observe that the ex-officio president of the Municipal Committee has by his non-observance of the rules prescribed in this behalf, thus caused material irregularities and vitiated the election proceedings and the Chief Secretary instructed to be conveyed to you

~~All~~ the enclosures sent with your letter of 16/7/46 are returned herewith.

I have the
from Mr/Mrs
Secretary
Bo
4/9

MI 42-44-91 (C)

No A5 626/43-44
Encls one file and sealed packet

Office of the Deputy Commissioner
Mandya District,
Dated, Mandya, 29th November 1944

From
By Regd post
Mir Safdar Hussain, Esq , B A ,
Deputy Commissioner, Mandya

3727/2

To
Narayanaswamy Naidu, Esq , B A , B L ,
Legal Remembrancer & Secretary to Government,
Law Department, Bangalore

HOY LAW DEPT
GOVT OF MYSORE

Subject Election of Vice-President of Seringapatam Town Municipal Council

With reference to your letter No L 2117 dated 4-9-44 setting aside the election of Mr M L Linganna as Vice-President of Seringapatam Municipal Council and issuing instructions that a re-election may be held, I have the honor to state that a ffesh election was held on 23-10-1944 in accordance with the calendar of events published in this connection

In response to the notification calling for applications from intending candidates to the Vice-Presidentship, three Municipal Councillors viz Messrs K Linganna, P Abdul Rahim and Y N Simha submitted their applications Just before the election, Mr Y N Simha withdrew his candidature Of the remaining two candidates Mr P Abdul Rahim secured 10 votes as against 9 votes secured by Mr Linganna Mr Abdul Rahim was consequently declared as elected

On 26th October 1944 Messrs Raghavalu Naidu, Baliah and Channiah, all Municipal Councillors, presented an objection petition (enclosed in the file) alleging that the election was not held in accordance with rules

I T O

rules and that it may be set aside Under Rule 13 of the Rules for the election of Vice Presidents in Town Municipalities, the Sub Division Officer, Frenchrocks was authorised by me to hold an enquiry into objections Accordingly, the Sub Division Officer held an enquiry and has reported - that the objections are not tenable The report of the Sub Division Officer is enclosed in original for favour of perusal

In the circumstances stated by the Sub Division Officer, Frenchrocks in his report, I am of opinion that the objections preferred by the petitioners may be overruled as untenable as the election has been held regularly I request you therefore, kindly to obtain approval of Government to the election of Mr P Abdul Rahim as Vice-President of Seringapatam - Municipal Council

The records with the two sealed packets are sent herewith for reference and favour of return when no longer required

I have the honor to be
Sir,
Your most obedient servant

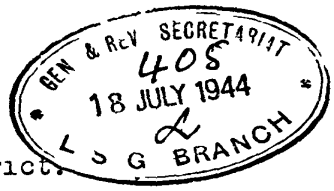
Deputy Commissioner,
Mandya District

ALN/-

Confidential

o 15 6.6/4.- 4
Pol File & to sealed covers

Office of the Deputy Commissioner
andya District
Dated a dya 13t July 1 44



From

ir Safder Hussain Esq B a
Deputy Commissioner
Mandya District.

To

C Narayanaswamy Naidu Esq B A B L
Legal Remembrancer &
Secretary to Government
La Department Bangalore

Sir

Subject - Election of Vice-President of Seringapatam Town Municipal Council
--

In continuation of my letter of even number dated 1-7-1944 submitting the proceedings of the Municipal Council on the above subject and stating that the objection petition received in this connection would be enquired into and a report submitted I have the honour to state that as per - Rule 13 of the Rules for the election of Vice-Presidents in Town Municipalities the Sub Division Officer Frenchrocks was authorised by me to hold an enquiry and submit a report

2 From the petition it may be seen that the objections preferred are -

1 That the election was not commenced at 4 P on 25-6-1944 as announced

2 that the voting slips were not printed typed or written as required by rules so as to make it legible and no serial number was given to them

3 that the ballot box was not kept within the view of the Presiding Officer

4 that the ballot papers were not sealed and kept in a box or a cover immediately after the result was announced

5 that the decision of the Presiding Officer regarding the invalidity of some votes was not correct

3 The Sub Division Officer has recorded a finding on each of the points referred to above and has come to the conclusion that objections Nos 1 2 4 and 5 referred to are not valid and may be overruled

4 As regards objection No 3 viz that the voting box was not kept within the sight of the Presiding Officer but was kept behind his back in a room it was elicited in the enquiry that the box was kept in a room behind the Presiding Officer and this was also admitted by the Presiding Officer Rule 7 of the Election Rules says that the box should be - placed in the view of the Presiding Officer As such, the Presiding Officer's statement that it was within his view though kept behind his back cannot be accepted This irregularity has given room for suspicion that Municipal Councillors did not exercise their votes individually The Sub Division Officer reports that this was a serious irregularity vitiating the election proceedings On account of the tactless omission on the part of the Presiding Officer (Mr S V Srinivasan, Amildar) this irregularity has occurred I am therefore, of opinion that the election may be set aside and fresh election ordered to be held

The report of the Sub Division Officer, Frenchrocks together with the objection petition and the statements of

of Municipal Councillors recorded before the Sub Division Officer and the two sealed covers containing the voting papers are enclosed for kind perusal and return

I have the honour to be
Sir,
Your most obedient servant

Deputy Commissioner,
Mandya District
16/7/60

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. L 6140-M-48-44-92 General and Revenue Secretariat
Dated Bangalore 21st Dec 1944

NOTIFICATION

Under Section 43(4) of the Mysore Town Municipalities Act, 1933, as amended from time to time Mr P. Abdul Rahim is elected Vice-President of the Srirangapatam Town Municipal Council, Mandya District

By Order,

Secretary to Government,
Law Department

To

The Compiler, Mysore Gazette, for publication in Part III-B of the Gazette and supply of 5 copies each to the Secretariat and the Deputy Commissioner, Mandya District

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. L 61120 - MM - 48-49 Dated Bangalore 21 Dec 19 49

NOTIFICATION

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

WD 0565—GPB—22 500—8 11 38